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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,812	10/19/2004	Gheorge S Stan	NL 020359	6549

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EXAMINER	
PHAM, VAN T	
ART UNIT	**PAPER NUMBER**
2627	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/511,812	STAN, GHEORGE S	
	Examiner	Art Unit	
	VAN T. PHAM	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) *15-19* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments, see Remarks, filed 05/15/2006, have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of Honda, Koike and Arioka (see rejection below).

Election/Restrictions

2. Newly submitted claims 15-19 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

I. Claims 1-14, drawn to a device comprising a control for controlling the intensity of the recording beam, a measuring circuit for measuring the quality of the recorded signals, a temperature measuring circuit, classified in class 369, subclass 53.26.

II. Claims 15-19, drawn to a device comprising a laser source, a housing to house the laser source and ac control circuit to control power of the laser beam as a function of temperature inside the housing, classified in class 369, subclass 121.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as measuring the quality of the recorded signals. See MPEP § 806.05(d).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

on the merits. Accordingly, claims 15-19 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

3. Claim 11 is objected to because of the following informalities:

In line 4, "of" should be deleted.

In line, 8, "test" should be --testing--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-6, 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda (Us 2002/0003760) in view of Koike et al. (US 5,625,616).

Regarding claim 1, Honda discloses a device for recording data on a recording medium which can be written by a recording head unit which produces a recording energy beam, the device comprising: a control assembly for controlling the intensity of the recording beam (see Fig. 4 and [0030[-[0037]), a set of measures for supplying control data to said control assembly comprising a measuring circuit for measuring the quality of the recorded signals (Fig. 4 and [0030]-[0037]), a database relating to the medium for supplying previous data to said control assembly (see Fig. 4 and [0056]-[0058]), wherein the set of measures comprises additional measuring circuits (see [0062]).

Koike discloses a temperature measuring circuit configured to adjust intensity based on temperature (see Figs. 1-6).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a temperature measuring circuit in Honda as suggested by Koike, the motivation being in order to have the deterioration of the light emitting device can be accurately estimated (see Koike abstract).

Regarding claim 2, the combination of Honda and Koike, discloses the device as claimed in claim 1, wherein in that at least one of the measuring circuits determines parameters through measurements from real-time recording conditions (see Honda Figs. 4-5).

Regarding claim 3, the combination of Honda and Koike, discloses the device as claimed in claim 1, wherein in at least one of the measuring circuits is a jitter measuring circuit (see Honda [0067]).

Regarding claim 4, the combination of Honda and Koike, discloses the device as claimed in claim 1, wherein the temperature measuring circuit operates in real time during recording (see Koike, inherent).

Regarding claim 5, the combination of Honda and Koike, discloses the device as claimed in claim 1, wherein the temperature measuring circuit includes a circuit for measuring threshold current needed by a semiconductor laser to provide said recording energy beam (see Koike Figs. 2, 5-6).

Regarding claim 6, the combination of Honda and Koike, discloses the device as claimed in claim 1, wherein at least one of the parameters supplied to the control assembly is related to a scanning velocity at which recording take place (see Honda Figs. 2, 5).

Regarding claim 8, the combination of Honda and Koike, discloses the device as claimed in claim 1, wherein at least part of the database is contained at a location of said medium (see Honda Fig. 4 and [0056]-[0058]).

Regarding claim 9, the combination of Honda and Koike, discloses the device as claimed in 1, wherein in that at least part of the database is contained in a memory (see Fig. 4 and [0056]-[0058]).

Regarding claim 10, the combination of Honda and Koike, discloses the device as claimed in claim 1, wherein the recording medium is in the form of an optical disc (see Honda Abstract).

Regarding claim 11, see rejection above of claim 1, the combination of Honda and Koike, discloses a recording method comprising the acts of: inserting a medium to be recorded into a recording device, identifying the medium, rejecting the medium if it is unsuitable for recording (noted all these steps are inherently and they are intended used), test recording test data on the medium, reading the test data, determining recording power based on signal levels from reading the test data (see Honda [0030]-[0038]), entering a first correction of said recording power as a function of jitter data (see Honda [0067]), entering a second correction as a function of temperature (see Koike Figs. 1-6), scanning speed of the disc (see Honda Figs. 2-3, 5).

Regarding claim 12, the combination of Honda and Koike, discloses the method as claimed in claim 11, wherein the entering the second correction act is carried out in real time during the recording of data (see Honda [0017] and [0057]).

Regarding claim 13, the combination of Honda and Koike, discloses the recording medium obtained by the implementation of the method as claimed in claim 11 (see rejection claim 11).

Regarding claim 14, see rejection above of claim 10.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honda (Us 2002/0003760) in view of Koike et al. (US 5,625,616) further in view of Arioka et al. (US 2002/0191512).

Regarding claim 7, the combination of Honda and Koike, discloses the device as claimed in claim 1, wherein the measuring circuit operates in real time during recording (see Koike, inherent).

Arioka discloses a tilt measuring circuit (see [0092], [0181] and [0185]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a tilt measuring circuit in the combination of Honda and Koike as suggested by Arioka, the motivation being in order to prevent a variation in angle of incidence of the laser beam to the recording layer (see Arioka [0092]).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Cited References

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to:

a. Deterioration estimating method for a light emitting device and a light emission driving apparatus using the method (Koike US 5,625,616).

b. Optical recording medium (Arioka et al. US 2002/0191512).

c. Asymmetry detection apparatus, jitter detection (Nakajima et al. US 2001/0006500).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Pham whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Thursday from 9:00am – 600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

vp

WAYNE YOUNG
SUPERVISORY PATENT EXAMINER